

NVB 250B (Rev. 10/14)

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

IN RE:

MUSCLEPHARM CORPORATION,
Debtor(s)

BK-22-14422-nmc
CHAPTER 11

Adversary Proceeding: 23-01014-nmc

WHITE WINSTON SELECT ASSET FUNDS, LLC
Plaintiff(s)

SUMMONS AND
NOTICE OF SCHEDULING
CONFERENCE IN AN ADVERSARY
PROCEEDING

vs

EMPERY TAX EFFICIENT, LP
EMPERY TAX EFFICIENT III
EMPERY DEBT OPPORTUNITY FUND, LP
EMPERY MASTER ONSHORE, LLC
IONIC VENTURES, LLC
INTRACOASTAL CAPITAL LLC
BIGGER CAPITAL FUND, LP
DISTRICT 2 CAPITAL FUND, LP
L1 CAPITAL GLOBAL OPPORTUNITIES MAASTER
FUND
ALTUM GROWTH FUND, LP
CVI INVESTMENT, INC.
ROTH CAPITAL PARTNERS, LLC
WALLEYE OPPORTUNITY MASTER FUND LTD.
Defendant(s)

Hearing Date: June 15, 2023
Hearing Time: 9:30 A.M.

To each Defendant listed above, YOU ARE SUMMONED and required to submit a motion or answer to the complaint which is attached to this summons to the Clerk of the Bankruptcy Court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall submit a motion or answer to the complaint within 35 days.

Address of the Clerk:

Clerk, U.S. Bankruptcy Court
300 Las Vegas Blvd., South
Las Vegas, NV 89101

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At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

Name and Address of Plaintiff's Attorney:

BART K. LARSEN
1731 VILLAGE CTR CR, STE 150
LAS VEGAS, NV 89134
(702) 4717432

If you make a motion, your time to answer is governed by Fed. R. Bankr. P. 7012.

YOU ARE NOTIFIED that a scheduling conference of the proceeding commenced by the filing of the complaint will be held at the following time and place.

Hearing Date:	June 15, 2023
Hearing Time:	9:30 A.M.
Hearing Phone Number:	(669) 254-5252
Hearing Meeting ID:	161 166 2815
Hearing Passcode:	115788

IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

Dated: March 10, 2023



Mary A. Schott

Mary A. Schott
Clerk of Court

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CERTIFICATE OF SERVICE

IN RE:

MUSCLEPHARM CORPORATION,
Debtor(s)

BK-22-14422-nmc
CHAPTER 11

Adversary Proceeding: 23-01014-nmc

WHITE WINSTON SELECT ASSET FUNDS, LLC, et al,
Plaintiff(s)

COMPLAINT, SUMMONS
STANDARD DISCOVERY PLAN AND
SCHEDULING ORDER PACKET

vs

Hearing Date: June 15, 2023
Hearing Time: 9:30 A.M.

EMPERY TAX EFFICIENT, LP
EMPERY TAX EFFICIENT III
EMPERY DEBT OPPORTUNITY FUND, LP
EMPERY MASTER ONSHORE, LLC
IONIC VENTURES, LLC
INTRACOASTAL CAPITAL LLC
BIGGER CAPITAL FUND, LP
DISTRICT 2 CAPITAL FUND, LP
L1 CAPITAL GLOBAL OPPORTUNITIES MAASTER
FUND
ALTUM GROWTH FUND, LP
CVI INVESTMENT, INC.
ROTH CAPITAL PARTNERS, LLC
WALLEYE OPPORTUNITY MASTER FUND LTD., et al,
Defendant(s)

I, Elizabeth Johnson, certify that I am at least 18 years old and not a party to the matter concerning
(name)
which service of process was made. I further certify that the service of this summons and a copy of the complaint
along with the Standard Discovery Plan and Scheduling Order packet, as required by Local Rule 7016(b), was made
on 03/19/2023
(date)

by:

- ☒ Mail Service: Regular, first class United States mail, postage fully pre-paid, addressed to:
Empery Tax Efficient III, LP
1 Rockefeller Plaza, New York, NY 10020
- ☐ Personal Service: By leaving the process with defendant or with an officer or agent of defendant at:
- ☐ Residence Service: By leaving the process with the following adult at:
- ☐ Certified Mail Service on an Insured Depository Institution: By sending the process by certified mail addressed to the following officer of the defendant at:

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- ☐ Publication: The defendant was served as follows: (Describe briefly)
- ☐ State Law: The defendant was served pursuant to the laws of the State of _____,
as follows: (Describe briefly) (name of state)

Under penalty of perjury, I declare that the foregoing is true and correct.

Dated: 03/15/2023

Signature: Elizabeth Johnson

Print Name: Elizabeth Johnson

Business Address: Murphy & King, P.C. 28 State Street, Suite 3101

City: Boston State: MA Zip: 02109